

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY ea D.C.
MAY 10 PM 5:23

ROBERT P. DI TROLIO
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CARROLL CAUDLE,

Plaintiff,

VS.

JO ANNE BARNHART,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1-03-1263

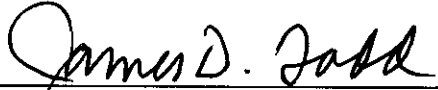
ORDER REQUIRING ADDITIONAL BRIEFS

On April 25, 2005, this court granted Plaintiff Carroll Caudle's motion for approval of attorney's fees pursuant to the Social Security Act, 42 U.S.C. § 406(b), and the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). The court order found that the \$12,025.00 amount requested by Plaintiff and his counsel was reasonable, however, that amount was to be offset by the \$5,000.00 already paid to counsel under the EAJA pursuant to the court's order on October 5, 2004. Thus, the April 25th order approved a fee of \$7,025.00 under § 406(b), to be directly forwarded to Plaintiff's counsel out of the past-due benefits withheld.

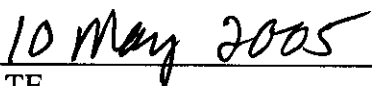
Before the court is Defendant's motion to amend the April 25th order. Plaintiff responded. Due to the convoluted nature of the parties' memoranda, however, the court

cannot rule on the pending motion at this time. Defendant is ordered to prepare a clear, concise brief identifying the issue and the relevant facts of this motion within ten (10) days of this order. Plaintiff will then have ten (10) days to respond with a clear, concise reply brief. The court will find it helpful if the parties will set forth their positions describing exactly the relief sought, why that relief is justified under the law, and why the previous order should or should not be amended. Plaintiff is also encouraged to include in his brief only the facts relevant to the issue under consideration. A long chronology of the Secretary's misdeeds in this case will not be helpful to the court in deciding the fee issue. In fact, such extraneous matters make it more difficult for the court to decide the relatively simple (one would have thought) issue of how to get an attorney's fee awarded.

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE



DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 42 in case 1:03-CV-01263 was distributed by fax, mail, or direct printing on May 11, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT